

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: February 8, 2010

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

- 1. Project # 200920

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

- 1. Adjustment and Appeals Board
- 2. Parks & Recreation Commission

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. DELEGATIONS

**A. SUBJECT: VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

B. SUBJECT: LEADING LIGHTS – NEIGHBORS HELPING NEIGHBORS

Leading Lights – Neighbors Helping Neighbors

Charles Warren and Andy Morikawa will make a presentation on Leading Lights organization. Leading Lights includes leaders from NRV schools, student organizations, churches, service organizations, universities, governments, and other non-profit organizations to develop the processes for identifying and recognizing those special people who have exhibited a passion for volunteerism. See TAB A .

C. SUBJECT: HOME CONSORTIUM PROGRAM

HOME Consortium of the NRV

Elizabeth Vogel, HOME Consortium Project Manager, will provide an update on the HOME Consortium program in the New River Valley. See TAB B .

**D. SUBJECT: PRESENTATION – SCHOOL BOARD
BUDGET FOR FY 2010-2011**

Presentation of Montgomery County School Board Budget for FY 2010-2011

Wendell Jones, Chair-School Board, will present the Montgomery County School Board's budget for FY 2010-2011

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

**A. SUBJECT: REQUEST TO PROCEED WITH
AMENDMENT TO ZONING ORDINANCE
CHAPTER 10, SECTION 10-21, 10-28, 10-29,
AND 10-61 BY ALLOWING A SCHOOL OF
SPECIAL INSTRUCTION**

R-FY-10-

**A RESOLUTION INITIATING THE AMENDMENTS TO THE CODE OF
MONTGOMERY COUNTY, VIRGINIA CHAPTER 10, ENTITLED ZONING,
SECTIONS 10-21, 10-28, 10-29 AND 10-61 RESPECTIVELY BY ALLOWING A
SCHOOL OF SPECIAL INSTRUCTION BY RIGHT IN THE GENERAL BUSINESS
(GB) AND COMMUNITY BUSINESS (CB) ZONING DISTRICTS AND BY SPECIAL
USE PERMIT IN THE AGRICULTURE (A-1) ZONING DISTRICT AND BY
CLARIFYING THAT THE LIST OF SKILLS AND ACTIVITIES PROVIDED IN THE
DEFINITION OF SCHOOL OF SPECIAL INSTRUCTION IS NOT ALL INCLUSIVE**

WHEREAS, The Montgomery County Zoning Ordinance currently defines a School of Special Instruction but does not allow this defined use either by right or by special use permit in any of the zoning districts; and

WHEREAS, The Board of Supervisors requested the Planning Commission to study what zoning district, if any, should allow either by right or by special use permit a School of Special Instruction; and

WHEREAS, The Planning Commission has recommended to the Board of Supervisors that the definition of School of Special Instruction be amended to clarify that the list of skills and activities listed in the definition is not all inclusive and that the School of Special Instruction should be allowed by right in the General and Community Business zoning districts and by special use permit in the Agricultural zoning district; and

WHEREAS, The Board of Supervisors has received the recommendation by the Planning Commission and finds that such a proposed change to the Zoning Ordinance promotes the public necessity, convenience, general welfare and good zoning practices; and

WHEREAS, The Board of Supervisors by this Resolution initiates the proposed change to Sections 10-21, 10-28, 10-29 and 10-61 of the County Zoning Ordinance as described above and asks that the County staff process and advertise the proposed changes as required by law.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby initiates the proposed changes to Sections 10-21, 10-28, 10-29 and 10-61 of the Montgomery

County Zoning Ordinance by amending the definition of School of Special Instruction in Section 10-61 by clarifying that the list of skills and activities provided in the definition is not all inclusive and by allowing a School of Special Instruction as defined under Section 10-61 as a by right use in the General and Community Business zoning districts and by special use permit in the Agricultural zoning district.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby finds that the proposed changes to 10-21, 10-28, 10-29 and 10-61 of the County Zoning Ordinance meets the public necessity, convenience, general welfare and good zoning practice and hereby authorizes the County staff to process and advertise the proposed changes as required by law.

ISSUE/PURPOSE: Resolution to initiate the proposed changes to the Zoning Ordinance.

JUSTIFICATION: In 2009, a request was received from a citizen to amend the Agriculture zoning district to allow a School of Special Instruction as a by-right use. At their December 14, 2009 meeting, the Board of Supervisors referred this item to the Planning Commission for their review and consideration.

The Planning Commission discussed this request in January 2010 and recommended that this use be permitted by-right in the General Business and Community Business and by special use permit in Agriculture zoning district.

This resolution initiates the proposed changes. A public hearing will be held on the proposed changes by the Planning Commission and Board of Supervisors. See TAB **F** for a copy of the proposed ordinance.

XII. NEW BUSINESS

- A. SUBJECT: REQUEST BY THE VIRGINIA OUTDOORS FOUNDATION AND THE NEW RIVER LAND TRUST TO OBTAIN FUNDS FROM THE MONTGOMERY COUNTY ACQUISITION FUND FOR CONSERVATION EASEMENTS**

**R-FY-10-
A RESOLUTION APPROVING THE FUNDING REQUEST
BY THE VIRGINIA OUTDOORS FOUNDATION (VOF) AND
THE NEW RIVER LAND TRUST (NRLT) OF \$78,000 FROM THE
MONTGOMERY COUNTY ACQUISITION FUND
FOR CONSERVATION EASEMENTS**

WHEREAS, The Board of Supervisors has created the Montgomery County Acquisition Fund for Conservation Easements funded by roll back taxes collected by the County that are in excess of the fiscal year budget estimate with a current balance of \$108,558; and

WHEREAS, The Virginia Outdoor Foundation (VOF) and the New River Land Trust (NRLT) have made a request for the County to provide \$78,000 from the County's Acquisition Fund for Conservation Easements to be used for leverage in applying for a \$156,000 grant from the USDA Federal Farm and Ranchland Protection Program in order to make a purchase of a conservation easement on approximately 245 acre farm located along Catawba Road in the Catawba Valley in Montgomery County; and

WHEREAS, The 245 acre farm owned by Kathleen Grubb, is the oldest farm homestead in the Catawba Valley and has the oldest homestead dating back to 1781; and

WHEREAS, This 245 acre farm meets the criteria to be eligible for funding through the County Acquisition Fund for Conservation Easements in that the property has no delinquent real estate taxes and the property is designated Rural or Resource Stewardship in the Montgomery County 2025 Comprehensive Plan; and

WHEREAS, Conservation easements benefit all County residents by preserving the scenic landscape, the character of our rural communities and reducing the costs of providing governmental services to rural areas.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves of the \$78,000 funding request from VOF and NRLT from the County

Acquisition Fund for Conservation Easements to assist in the purchase of a conservation easement on the Kathleen Grubb farm property, (Parcel ID#s 007623, 007624 and 007625) consisting of approximately 245 acres located on both sides of Catawba Road in the Catawba Valley area of Montgomery County conditioned upon VOF and NRLT obtaining the required additional funding for the purchase of the conservation easement through the Farm and Ranch Land Protection Grant Program and other available sources and approval from the property owner Ms. Grubb to place the conservation easement on the property.

ISSUE/PURPOSE: Approve request for funding from the VOF and NRLT from the County Acquisition Fund for Conservation Easements.

JUSTIFICATION: The VOF and NRLT are working with a property owner in the Catawba Valley area of Montgomery County to place a conservation easement on the property. The Virginia Outdoor Foundation (VOF) and the New River Land Trust (NRLT) have made a request for the County to provide \$78,000 from the County's Acquisition Fund for Conservation Easements to be used for leverage in applying for a \$156,000 grant from the USDA Federal Farm and Ranchland Protection. The VOF estimates the total cost of the easement to be approximately \$312,000. See TAB G.

XIII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Budget Development – FY 2010-2011(TAB H)

XIV. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

XVII. BOARD MEMBERS' REPORT

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Marrs
5. Supervisor Biggs
6. Supervisor Politis
7. Supervisor Perkins

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, February 22, 2010
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, March 8, 2010
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
Monday, March 22, 2010
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda